

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
July 17, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, July, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. William Parker, Public Information Officer, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. John Mazur, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors, and reported that the intersection of Route 171 and Route 17 was 99 percent complete.

Mr. Ashe expressed his appreciation for VDOT's work on Yorktown Road near the Woodlake and Running Man areas. He reported that Cary's Chapel Road was in poor condition, and asked when it would be included on the paving schedule. He also asked that VDOT consider installing bike paths (widened road shoulders) with some of the enhancement funds available. He reported receiving complaints on the slurry seal that has been put on roads, explaining citizens were concerned with the sealant clogging the drainage systems.

Mr. Mazur stated he was not sure when Cary's Chapel Road was scheduled to be paved. He explained the procedure that contractors used to progress through the paving schedule, and he discussed the priorities set for bike trails. He then explained the use of slurry seal.

Mrs. Noll thanked VDOT for the intersection improvements at Routes 171 and 17, and stated the synchronization of the stoplights has improved.

Mr. Wiggins stated VDOT was doing a good job in the Hornsbyville Road area and thanked Mr. Mazur for his help. He reported a large hole in need of repair near the railroad tracks on Wolfrap Road, but stated he wasn't sure if it was VDOT's responsibility or that of CSX.

Mr. Zarembo expressed his concern about traffic studies conducted when a developer intends to build a subdivision. He asked what role VDOT had in the traffic study review process.

Chairman Mazur explained how VDOT utilized those studies, indicating the studies may be distributed to several different VDOT divisions depending on the size of the project.

Mr. Burgett mentioned a culvert in the Jethro Lane area that had collapsed, and asked VDOT to look at it right away. He thanked VDOT for doing such a good job.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed the following newly appointed members to Boards and Commissions, and presented them with Boards and Commissions Handbooks and York County pins:

Leonard R. Miller	Industrial Development Authority
Flora B. Adams	Senior Center Board
Dana S. Burgett	Senior Center Board
John H. Dickens	Senior Center Board
Grace R. Dickens	Senior Center Board
Willie J. McIntosh	Senior Center Board

EMPLOYEE RECOGNITION PROGRAM

Chairman Burgett congratulated Don E. Willis for having attained 20 years of service to the County, and presented him with a 20-year service pin and certificate.

CITIZENS COMMENT PERIOD

Mr. Michael Amundson, 109 Haverstraw Court, appeared on behalf of the York Crossing Homeowners Association with concerns about parking on the streets. He reported that trucks and buses park on the streets, sometimes resulting in a dangerous situation for children and drivers. He stated that some citizens are bothered by odors from diesel fumes, and he would like to see those vehicles be made to park somewhere else.

Mr. Frank Mayhew, 103 Resolution Drive, voiced his displeasure with vehicles parking on the streets in the York Crossing neighborhood. He told of an accident involving a child due to school buses and trucks parked along side the road. He indicated he was concerned for both the safety of the neighborhood children and the possibility that his property value may decrease. He asked the Board to eliminate parking on the residential streets.

Ms. Ellen Wirt, 210 Fishneck Landing Road, a member of the York Crossing Homeowners Board of Directors, spoke against the parking of trucks and school buses on the streets. She noted she was concerned for her property value and also the hazards of allowing vehicles to park on the streets.

Mr. Mark Doyon, 116 Souverain Landing Road, spoke on the safety issues concerning the parking of buses and trucks on the streets of York Crossing. He asked the Board to consider doing something to eliminate parking on the streets.

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Ms. Victoria Foster, 103 Royal Grant Drive, appeared to discuss the sale of a tract of land by the York County School Board, located between Queen's Lake Middle School and Interstate 64 that would accommodate an entrance into a development proposed behind the school. She stated the property was proposed to be in exchange for a piece of property adjacent to York High School. She noted she was concerned with the traffic impact and the safety of the neighborhood since the road would serve as the only entrance and exit into a residential area. She asked the Board to look into an alternative entrance and exit for that area.

Ms. Carol Miller, 128 Rockmor Lane, appearing on behalf of the Wythe Creek Farms subdivision, presented a petition opposing an access road proposed between Wythe Creek Farms and Running Man subdivisions because of concerns about increased traffic flow through the residential areas.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett explained that he had prepared draft ordinances for both parking and graffiti and would present them to the Board at the July 24th work session.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds discussed the upcoming work session on July 24. He explained the agenda included the draft parking and graffiti ordinances and discussions with the Parks and Recreation Advisory Board. There would also be discussions on tourism fund allocations and redistricting.

Meeting Recessed. At 7:50 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. ZM-57-01, R. B. FORREST CO., INC.

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation on Application No. ZM-57-01 to amend the proffered conditions for property located in the northeast quadrant of the intersection of Goodwin Neck Road and Freedom Boulevard in Victory Industrial Park. He explained the applicant intended to subdivide the property into two lots which would be compatible with Victory Industrial Park. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 01-14.

Chairman Burgett called to order a public hearing on Application No. ZM-57-01 that was duly advertised as required by law. Proposed Ordinance No. 01-14 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZM-57-01 TO
AMEND THE CONDITIONS ESTABLISHED BY ORDINANCE NO.
O97-11 APPLICABLE TO THE IL (LIMITED INDUSTRIAL) CLASSI-
FICATION OF 7.58 ACRES IN THE NORTHEAST QUADRANT OF

THE INTERSECTION OF GOODWIN NECK ROAD AND FREEDOM
BOULEVARD IN VICTORY INDUSTRIAL PARK

There being no one present who wished to speak regarding the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 01-14 that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZM-57-01 TO
AMEND THE CONDITIONS ESTABLISHED BY ORDINANCE NO.
O97-11 APPLICABLE TO THE IL (LIMITED INDUSTRIAL) CLAS-
SIFICATION OF 7.58 ACRES IN THE NORTHEAST QUADRANT
OF THE INTERSECTION OF GOODWIN NECK ROAD AND FREE-
DOM BOULEVARD IN VICTORY INDUSTRIAL PARK

WHEREAS, R. B. Forrest Co., Inc., has submitted Application No. ZM-57-01, which requests amendment of the conditions established by Ordinance No. O97-11 applicable to the IL (Limited Industrial) classification of 7.58 acres located in the northeast quadrant of the intersection of Goodwin Neck Road and Freedom Boulevard in Victory Industrial Park and further identified as Assessor's Parcel No. 24-(60)-36; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board of Supervisors has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 17th day of July, 2001, that it does hereby approve Application No. ZM-57-01 to amend the conditions established by Ordinance No. O97-11 applicable to the IL (Limited Industrial) classification of 7.58 acres located in the northeast quadrant of the intersection of Goodwin Neck Road and Freedom Boulevard in Victory Industrial Park and further identified as Assessor's Parcel No. 24-(60)-36, as follows:

1. All building facades facing Goodwin Neck Road or Freedom Boulevard shall be of brick, architectural block, or residential siding.
2. All bay doors and loading areas shall be oriented away from Goodwin Neck Road.
3. All outside storage areas shall be screened from Goodwin Neck Road by building(s), fencing, landscaping, or a combination thereof.

BE IT FURTHER ORDAINED that the conditions stated above shall supersede the conditions listed in Ordinance No. O97-11, as applied to the above-referenced parcel.

On roll call the vote was:

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Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

APPLICATION NO. ZM-58-01, OLIVET MEDICAL MINISTRY, INC., t/a LACKEY FREE FAMILY CLINIC

Mr. Carter made a presentation on Application No. ZM-58-01 to reclassify from R-13—High Density Single Family Residential, to Neighborhood Business a one-acre portion of a 2.4-acre parcel located at the corner of Dogwood Road and Old Williamsburg Road for the construction of a medical office serving the Lackey area. He explained the property was currently zoned R13, and the proposal is to extend the Neighborhood Business classification onto the 1-acre parcel. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 01-15.

Mr. B. M. Millner, attorney, appeared on behalf the medical clinic to answer any of the Board's questions.

Chairman Burgett called to order a public hearing on Application No. ZM-58-01 that was duly advertised as required by law. Proposed Ordinance No. 01-15 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZM-58-01 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING APPROXIMATELY A 1- ACRE PORTION OF A 2.4-ACRE PARCEL LOCATED AT THE INTERSECTION OF DOGWOOD ROAD (ROUTE 659) AND OLD WILLIAMSBURG ROAD (ROUTE 238) FROM R13 (HIGH DENISTY SINGLE FAMILY RESIDENTIAL) TO NB (NEIGHBORHOOD BUSINESS)

Ms. Anna Herzberg, 110 Dogwood Road, an adjoining neighbor, asked if a privacy fence would be installed around the facility. She was concerned that a nearby drainage ditch was at full capacity, and she suggested it be reworked to accommodate the facility.

There being no one else who wished to speak regarding the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Ordinance No. 01-15 that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZM-58-01 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING APPROXIMATELY A 1- ACRE PORTION OF A 2.4-ACRE PARCEL LOCATED AT THE INTERSECTION OF DOGWOOD ROAD (ROUTE 659) AND OLD WILLIAMSBURG ROAD (ROUTE 238) FROM R13 (HIGH DENISTY SINGLE FAMILY RESIDENTIAL) TO NB (NEIGHBORHOOD BUSINESS)

WHEREAS, Olivet Medical Ministry, Inc., has submitted Application No. ZM-58-01 which requests an amendment to the York County Zoning Map by reclassifying from R13 (High Density Single Family Residential) to NB (Neighborhood Business) approximately a 1-acre portion

of a 2.4-acre parcel located at the intersection of Dogwood Road (Route 659) and Old Williamsburg Road (Route 238) and further identified as Assessor's Parcel No(s). 17-37D and 17-37A; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 17th day of July, 2001, that it does hereby approve Application No. ZM-58-01 to amend the York County Zoning Map by reclassifying from R13 (Medium Density Single Family Residential) to NB (Neighborhood Business) a 1-acre portion of a 2.4 acre parcel located at the intersection of Dogwood Road (Route 659) and Old Williamsburg Road (Route 238) and further identified as Assessor's Parcel No(s). 17-37D and 17-37A. The property is further identified as follows:

All that certain piece, parcel or lot of land known as Parcel 'A' containing 1.0120 Ac. As shown on plat entitled "Plat Showing Proposed Division of the Property of William Washington et ux Parcels 'A' and 'B' Nelson District County of York, Virginia", dated April 19, 2001, made by Alphonso and Associates, Inc., a copy of which is attached hereto and part thereof by reference thereto. The property may be more accurately described as follows:

Beginning at a point on the southern side of Route 238, being the northeasterly corner of the tract being described, and from said point of beginning running along the west side of Dogwood Road S 4° 07' 55" W 105.17 feet to a point; thence continuing along the west side of Dogwood Road S 4° 43' 57" W 69.31 feet to a point; thence turning and running N 83° 46' 19" W 100.0 feet to a point; thence N 81° 28' 25" W 37.22 feet to a point; thence N 88° 04' 24" W 146.38 feet to a point; thence turning and running N 7° 58' 35" W 200.0 feet to the southerly side of Route 238 distance the R of which = 1161.46', and the A of which = 72.65' to a point; thence N 85° 21' 06" E 241.93 feet to the point of beginning.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba Burgett
Nay: (0)

AMENDMENT TO YORK COUNTY CODE: LAND DISTURBING ACTIVITY PERMITS

Mr. Barnett made a presentation on proposed Ordinance No. 01-07 to amend the York County Code relative to the approval of applications for land disturbing activity permits to bring it into conformance with the Code of Virginia. He explained that the Code now requires the owner or applicant to provide the name of the individual holding a Certificate of Confidence in order to be issued a land disturbing permit.

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Mr. Wiggins asked who would be able to obtain the certificates.

Mr. Barnett stated he felt an engineering company would be most likely to obtain the certificates.

Mr. Ashe expressed concern about the certification requirements and who would be required to obtain permits.

Mr. John Hudgins, Director of Environmental and Development Services, stated that some of the larger developers and contractors already have the certifications needed. He explained the training aspect had not been resolved yet, and he felt it was hard to implement the rules when the procedures have not been established. He further stated all the answers are not apparent at the present time.

Mr. Ashe stated he felt all the answers should be gathered before the Board acted on the matter.

Chairman Burgett stated there was a state law already in effect, and this amendment would simply recognize that.

Mr. Zaremba stated it was the law of the land, but he felt it needed more definition.

Mrs. Noll stated she felt that even though the ordinance was ambiguous, the County needed to be in compliance with the state.

Mr. Ashe stated he resented the state requiring mandates with no set procedures or guidelines. He noted he was concerned with the effects the ordinance may have on developers and homeowners, and he suggested tabling the matter.

Chairman Burgett stated the state law would not change no matter how the Board proceeded. He did not feel that tabling the matter would accomplish anything.

Mr. Zaremba stated that even though the County had yet to address the matter in its Ordinance, it did not relieve the responsible individual from complying. He stated he was opposed to having something on the County's books until it had been flushed out and made meaningful.

Mr. Ashe then moved to table proposed Ordinance No. 01-07.

On roll call the vote was:

Yea:	(4)	Wiggins, Ashe, Zaremba, Burgett
Nay:	(1)	Noll

AMENDMENT TO YORK COUNTY CODE: STORM WATER MANAGEMENT FACILITIES

Mr. Barnett made a presentation on proposed Ordinance No. 01-11 to amend Section 20.5-75 of the York County Code regarding the calculation of pro rata costs of regional storm water management facilities to bring it into conformance with the Code of Virginia. He explained the proposed Ordinance was to keep up with statutory changes in the law.

Mr. Ashe asked if there was a model facility developed so the Board would know how to better deal with the issue.

Mr. Barnett was not sure how far staff had gotten in creating regional plans.

Mr. Hudgins stated that regional facilities were something of the future, and the discussion of any pro-rata share of storm water detention systems had only taken place during the Drainage Committee meetings. He stated all facilities were privately owned, and no regional facilities existed at this time.

Mr. Ashe discussed the City of Newport News' fee structure, and stated it is a heavy fee. He indicated he would like to see a model of how this was going to be performed, and he requested the issue come back before the Board at a later time.

Chairman Burgett explained that regional facilities were going to be a thing of the future and that the ordinance would put things in place for when that happens. He then called to order a public hearing on proposed Ordinance 01-11 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 20.5-75, DRAINAGE, YORK
COUNTY CODE, REGARDING THE CALCULATION OF PRO RATA
COSTS OF REGIONAL STORM WATER MANAGEMENT FACILITIES

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mr. Wiggins stated this was needed and cited Dandy as an example of that need. He reported that the ditches do not drain in that area due to development. He noted how developers allowed the drainage to go out into the road.

Mr. Hudgins advised that if the Board decides to develop County-owned regional facilities, there are a number of examples of fee structures from other jurisdictions that can be examined.

Mr. Barnett explained the statutory ordinance revision, and noted he was trying to prevent the County's ordinances from slowly drifting out of sync with the State Code. He explained this change was a housekeeping amendment and would give the County the flexibility that is not in the current statute.

Chairman Burgett explained this was a state statute that had already been passed, and it would simply keep the Ordinance up to date.

Mr. Wiggins then moved the adoption of proposed Ordinance 01-11 that reads:

AN ORDINANCE TO AMEND SECTION 20.5-75, DRAINAGE, YORK
COUNTY CODE, REGARDING THE CALCULATION OF PRO RATA
COSTS OF REGIONAL STORM WATER MANAGEMENT FACILITIES

BE IT ORDAINED by the York County Board of Supervisors this 17th day of July, 2001, that section 20.5-75, York County Code, be and it is hereby amended as follows:

Sec. 20.5-75. Drainage.

* * *

- (b) *Off-site drainage costs.* The subdivider shall be required to pay a pro rata share of the cost of providing reasonable and necessary drainage improvements located outside of the property limits of land owned or controlled by him whenever all of the following conditions exist:
- (1) The county determines that such off-site improvements are necessitated at least in part by the construction or improvement of the subdivision.
 - (2) The county or other appropriate authority has established a general drainage improvement program for an area having related and common drainage conditions.
 - (3) The subdivider's property is located within said designated area covered by such program.
 - (4) The estimated cost of the total drainage improvement program has been determined.
 - (5) The estimated storm water runoff has been established for the designated area served by such program.

The subdivider's share of the above-estimated cost of improvements shall be limited to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or development or the proportion of such estimated cost which the volume and velocity of storm water runoff to be caused by his subdivision bears to the total estimated volume and velocity of runoff from such area in its fully developed state. In calculating the pollutant loading caused by the subdivision or development or volume and velocity of storm water runoff, the county shall take into account the effect of all on-site storm water facilities or best management practices constructed or required to be constructed by the subdivider or developer and give appropriate credit therefor.

Any cash payment received by the county shall be expended only for construction of those facilities identified in the established drainage facilities improvement program and until so expended, shall be held in a separate account for the individual improvement program.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

EXEMPTION TO E911 TAX

Mr. Barnett made a presentation on proposed Ordinance No. 01-13 to amend Section 21-90 of the York County Code to provide that the E911 tax shall not be imposed on consumers of commercial radio services.

Chairman Burgett called to order a public hearing on proposed Ordinance 01-13 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 21-90, YORK COUNTY
CODE, PROVIDING THAT THE E911 TAX SHALL NOT BE IMPOSED
ON CONSUMERS OF COMMERCIAL MOBILE RADIO SERVICES

There being no one present who wished to speak concerning the subject Ordinance, Chairman Burgett closed the public hearing.

Mr. Ashe then moved the adoption of proposed Ordinance 01-13 that reads:

AN ORDINANCE TO AMEND SECTION 21-90, YORK COUNTY
CODE, PROVIDING THAT THE E911 TAX SHALL NOT BE IMPOSED
ON CONSUMERS OF COMMERCIAL MOBILE RADIO SERVICES

BE IT ORDAINED by the York County Board of Supervisors this 17th day of July, 2001, that section 21-90, York County Code, be and it is hereby amended as follows:

Sec. 21-90. Imposed.

Pursuant to the provisions of section 58.1-3813.1, Code of Virginia, there is hereby imposed a special tax of two dollars and eighteen cents (\$2.18) per month on each consumer of telephone service for each telephone line provided by any corporation subject to the provisions of chapter 26, title 58.1, Code of Virginia; provided, however, that this tax is not imposed on federal, state or local government agencies, or on any consumers of any commercial mobile radio service, as such term is defined in Code of Virginia section 56-484.12.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

RIGHT OF WAY AGREEMENT FOR EASEMENT

Mr. Barnett made a presentation on proposed Resolution R01-132 to authorize the execution of a right-of-way agreement to convey an easement to Dominion Virginia Power across a portion of property owned by the County on Old Williamsburg Road and located within Charles E. Brown Park.

Chairman Burgett called to order a public hearing on proposed Resolution R01-132 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A RIGHT OF WAY AGREEMENT TO CONVEY AN
EASEMENT TO DOMINION VIRGINIA POWER ACROSS A PORTION
OF PROPERTY OWNED BY THE COUNTY ON OLD WILLIAMSBURG
ROAD AND LOCATED WITHIN CHARLES E. BROWN PARK

There being no one present who wished to speak concerning the subject Resolution, Chairman Burgett closed the public hearing.

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Mrs. Noll then moved the adoption of proposed Resolution R01-132 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A RIGHT OF WAY AGREEMENT TO CONVEY AN EASEMENT TO DOMINION VIRGINIA POWER ACROSS A PORTION OF PROPERTY OWNED BY THE COUNTY ON OLD WILLIAMSBURG ROAD AND LOCATED WITHIN CHARLES E. BROWN PARK

WHEREAS, Dominion Virginia Power has requested an easement from the County for the purpose of installing a warning siren which will sound in the event of a nuclear accident at the Surry Nuclear Power Plant; and

WHEREAS, following a duly advertised public hearing, the Board has determined that it is in the best interest of the public that such easement be granted.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of July, 2001, that the County Administrator be, and is hereby authorized, for and on behalf of the Board, to execute a right of way agreement to convey an easement to Dominion Virginia Power as shown on a plat attached to the County Attorney's report to the Board dated June 15, 2001, such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba commented on a Daily Press article that pointed out York County was leading the way in trying to resolve flooding problems in areas prone to flooding. He spoke concerning the water company that provides water through an antiquated system in the Hubbard Lane and Queen's Lake areas. He briefly mentioned the lack of water pressure in fire hydrants in the Nelson Park area, and the necessity of increasing the water pressure in that area. He addressed the work session to be held on July 24th and the opportunity it would provide for members of the Parks and Recreation Advisory Board to discuss their interests, comments, and concerns in the County's recreation programs.

Mr. Wiggins stated he had attended the Commonwealth Transportation Board meeting where localities have the opportunity to express their desires for road improvements. He felt that traffic on Route 17 was a major problem in the County, and he discussed the possible widening north of Fort Eustis Boulevard. He felt the County would benefit more if the lane widening were to be at the southern end of Route 17. He stated money was requested from the Transportation Board for the widening and expressed the Board's commitment to correcting Route 17 and improving drainage in the County. He also encouraged citizens to use the bike lanes.

Mrs. Noll reiterated Mr. Wiggins' comments regarding the Commonwealth Transportation Board in connection to the widening of Route 17 and 171. She stated she participated in a VACO round table discussion with the Joint Legislative and Audit Review Committee to review VDOT policies and funding. She thanked the Fourth of July Committee for its hard work as

well as the volunteers who participated in the celebration activities. She also thanked the emergency personnel and sheriff's office for their participation.

Mr. Ashe stated the Department of Housing and Community Development Board is presently reviewing the uniform statewide building code. He advised that the Virginia Housing and Development Authority (VHDA) had approved 17 new, low-income housing projects across the state. He reported that drainage and transportation seemed to be the main concern at his town hall meeting at Tabb High School. He thanked Mr. Josh Lee for his assistance in getting the Fuel Farm released. He stated there were approximately 30 homes on Cary's Chapel Road without sewer and that the septic tanks were overflowing and that a new sewer system will be installed in February, 2002. Mr. Ashe stated he would meet with VDOT representatives on July 23rd to discuss these issues. He then noted he received a petition from the Wythe Creek Farms Homeowner's Association requesting to have the connecting roads closed between Running Man and Wythe Creek Farms. He spoke on the possibility of having a park in the lower end of the County, and he thanked the members of the Fourth of July Committee for their work at the July 4th celebration.

Chairman Burgett reported that some of the graffiti in the County had been cleaned up. He stated he was anxious to have the graffiti ordinance in place to help eliminate the nuisance. He received a thank you letter from a citizen with a special appreciation to the Board and staff for their efforts in helping with the drainage problems. He mentioned the consideration of 911 Tax Relief for residents of nursing homes and other similar care facilities. He spoke on the population growth rate in the County and stated that from 1990-1995 it averaged over 4 percent. In the past four years, the average population growth rate has been 2.35 percent, with a further decline expected this year at 2.2 percent. He reported that Gloucester County's growth rate had increased, adding to the traffic congestion on Route 17. He personally thanked Mr. Ashe for his services on committees and his personal contacts with VDOT leaders and the Secretary of Transportation that have helped the County secure funding.

CONSENT CALENDAR

Mrs. Noll requested that Item No. 10 be removed from the Consent Calendar.

Mrs. Noll then moved that the Consent Calendar be approved as amended, Item Nos. 7, 8, 9, 11, 12 and 13, respectively.

On roll call the vote was:

Yea:	(5)	Wiggins, Ashe, Zaremba, Noll, Burgett
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 7. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

- June 5, 2001, Regular Meeting
- June 9, 2001, Adjourned Meeting
- June 12, 2001, Adjourned Meeting
- June 19, 2001, Regular Meeting

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Item No. 8. VIRGINIA COOPERATIVE EXTENSION ANNUAL MEMORANDUM OF UNDERSTANDING: Resolution R01-128.

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT TO PROVIDE FOR THE OPERATION OF THE VIRGINIA COOPERATIVE EXTENSION SERVICES OFFICE FOR FY2002

WHEREAS, the Virginia Cooperative Extension Service has maintained an office to provide service to York County citizens under a cost-sharing agreement which has been in effect since 1983; and

WHEREAS, the Board of Supervisors authorized funding for this activity in the FY2002 approved budget sufficient to continue participation in this program and to provide an adequate level of service to the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of July, 2001, that the County Administrator be, and he is hereby, authorized to execute for and on behalf of the Board, a Memorandum of Understanding with the Virginia Cooperative Extension Service, including any necessary amendments thereto, that has been approved as to form by the County Attorney and which is substantially in the same form as that which was transmitted to the Board by report of the County Administrator dated July 3, 2001, for the provision of Virginia Cooperative Extension Services within the County.

ITEM NO. 9. APPROVAL OF PROCUREMENT ACTION: Resolution R01-135.

A RESOLUTION TO AUTHORIZE THE PROCUREMENT OF THE SERVICES NECESSARY FOR THE INSTALLATION OF DRAINAGE STRUCTURES IN A RAVINE IN MARLBANK COVE, POLICE PACKAGE VEHICLES, ADDITIONAL SHORELINE ENGINEERING SERVICES, AND UPGRADE VIDEO SERVICES

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of July, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Marlbank Cove Ravine Restoration	\$400,525
Police Package Vehicles	146,158
Shoreline Engineering	64,955
Upgrade Video Services	79,998

ITEM NO. 11. COMMENDATION OF DR. VAUGHAN H. HOWARD, JR.: Resolution No. R01-136.

A RESOLUTION TO COMMEND VAUGHAN H. HOWARD, JR., M.D., A.B.E.M., A.B.F.P., FOR SERVICE AS OPERATIONAL MEDICAL DIRECTOR FOR THE YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY

WHEREAS, Dr. Vaughan H. Howard, Jr., was appointed by the York County Board of Supervisors to serve as the Operational Medical Director for the York County Department of Fire and Life Safety on July 20, 1989; and

WHEREAS, Dr. Vaughan H. Howard, Jr., has faithfully executed the duties and responsibilities of Operational Medical Director, ensuring the provision of quality basic and advanced life support pre-hospital emergency medical services for the citizens and visitors of York County, Virginia; and

WHEREAS, Dr. Vaughan H. Howard, Jr., represented York County on the Peninsulas Emergency Medical Services Council's Medical Direction Committee and was selected by his peers to chair that committee and to serve multiple consecutive terms as the region's Operational Medical Director; and

WHEREAS, Dr. Vaughan H. Howard, Jr., was instrumental in the development of the first Emergency Medical Technician - Paramedic Educational Program on the Virginia Peninsula and served as its Course Medical Director for many years; and

WHEREAS, Dr. Vaughan H. Howard, Jr., provided the medical direction and counsel to help guide the York County Department of Fire and Life Safety to an unprecedented three awards as the region's Outstanding EMS Agency, statewide recognition as the Outstanding EMS Agency in the Commonwealth of Virginia and recognition as the runner-up for the National Association of Emergency Medical Technician's Advanced Life Support Agency of the Year Award; and

WHEREAS, Dr. Vaughan H. Howard, Jr., has provided his personal time and commitment and his professional knowledge and dedication totally without financial compensation; and

WHEREAS, the knowledge of Dr. Vaughan H. Howard, Jr., has helped improve the effectiveness, response and delivery of emergency medical services, and made York County a better and safer place to reside and visit; and

WHEREAS, the services of Dr. Vaughan H. Howard, Jr. merit the admiration, respect and sincere appreciation of all our citizens;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of July, 2001, that in consideration of his many and significant contributions to York County as its Operational Medical Director, Dr. Vaughan H. Howard, Jr., be and hereby is recognized and commended and his accomplishments are brought to the attention of all our citizens.

ITEM NO. 12. GRANT APPLICATION - BUREAU OF JUSTICE ASSISTANCE: Resolution R01-131.

July 17, 2001

A RESOLUTION TO DESIGNATE THE COUNTY ADMINISTRATOR
AS YORK COUNTY'S AGENT FOR THE PURPOSE OF APPLYING FOR
GRANT FUNDING UNDER THE LOCAL LAW ENFORCEMENT
BLOCK GRANT PROGRAM FROM THE BUREAU OF JUSTICE AS-
SISTANCE, DEPARTMENT OF JUSTICE

BE IT RESOLVED by the York County Board of Supervisors this the 17th day of July, 2001, that the County Administrator for the County of York, Virginia, as the County's agent, is hereby authorized to execute for and in behalf of York County, a public entity established under the laws of the Commonwealth of Virginia, an application for grant funding from the Bureau of Justice Assistance, Department of Justice, under the Local Law Enforcement Block Grant program.

BE IT FURTHER RESOLVED by the York County Board of Supervisors that York County, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to act in connection with the grant application and provide to the Bureau of Justice Assistance such additional information as may be required.

ITEM NO. 13. COMMENDATION OF JOANN FALLETTA: Resolution R01-133.

A RESOLUTION TO RECOGNIZE AND EXPRESS APPRECIATION TO
MAESTRO JOANN FALLETTA ON THE OCCASION OF HER TENTH
ANNIVERSARY WITH THE VIRGINIA SYMPHONY

WHEREAS, for 81 years the Virginia Symphony has enriched the cultural life of the Commonwealth, receiving national recognition for its artistic excellence and community outreach programs; and

WHEREAS, The Virginia Symphony performs more than 150 classical, pops, family, educational, and outreach concerts each year, including performances accompanying the acclaimed Virginia Opera; and

WHEREAS, The Virginia Symphony provides educational programs annually for more than 200,000 school students throughout the Hampton Roads and Peninsula regions; and

WHEREAS, Maestro JoAnn Falletta was appointed as the orchestra's 11th Music Director in 1991, and she continues to win engagements as guest conductor of the world's leading symphony orchestras; and

WHEREAS, under Maestro Falletta's direction, The Virginia Symphony has risen to new artistic heights as a member of the International Conference of Symphony and Opera Musicians, and has received accolades from critics throughout the classical music world; and

WHEREAS, Maestro Falletta has led The Virginia Symphony in its debut performances at New York's renowned Carnegie Hall and The Kennedy Center in Washington, D.C.; and

WHEREAS, under her leadership, The Virginia Symphony provides the foundation for all orchestral musical activities in the Hampton Roads area, and performs as part of the Virginia Arts Festival, making a major contribution to the economy of this region; and

WHEREAS, The Virginia Symphony has provided Yorktown with four performances that have enhanced the cultural experience for County residents;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of July, 2001, that Maestro JoAnn Falletta and The Virginia Symphony are hereby congratulated on their outstanding success and commended for the immense joy they bring to music lovers everywhere.

BE IT FURTHER RESOLVED that the Board of Supervisors, on behalf of the citizens of York County, hereby expresses its high regard for the sustained excellence of The Virginia Symphony under Maestro Falletta's distinguished direction during the past decade.

ITEM NO. 10. REQUEST FOR TAX REFUND: Resolution R01-130 (Removed from the Consent Calendar)

Mrs. Noll stated there was \$254.46 worth of interest that has to be paid because of an error made on the part of the Treasurer's Office. She would have thought that when someone receives a tax bill that is higher than they normally are used to paying that they would immediately call to find out what the problem was. They haven't done that.

Mr. Barnett explained that he looked up the statute and concluded that erroneous tax payment included any payment that was made in error, regardless of who made the error.

Mr. McReynolds stated that the interpretation was consistent with most of the localities.

Mrs. Noll then moved the adoption of proposed Resolution R01-130 that reads:

A RESOLUTION AUTHORIZING A TAX REFUND TO CARRIE WRAY
CURTIS, TRUSTEE REVOCABLE LIVING TRUST

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Carrie Wray Curtis, Trustee Revocable Living Trust has made application to the Commissioner of the Revenue for a tax refund for taxes erroneously paid on real property by virtue of the erroneous non-application of the reduced tax assessment for which the property qualified under the County's land use assessment program; and

WHEREAS, the Commissioner of the Revenue, the Treasurer, and the County Attorney have recommended that the request for a tax refund with interest, be granted in the amount of \$3,521.60;

NOW, THEREFORE, BE IT RESOLVED that the Commissioner of the Revenue is authorized to refund to Carrie Wray Curtis, Trustee Revocable Living Trust erroneously paid real property taxes in the amount of \$3,267.14, together with interest accrued thereon in the amount of \$254.46, for a total refund of \$3,521.60.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

July 17, 2001

NEW BUSINESS

APPROVAL OF ARTS FUNDING

Mrs. Anne Smith, Director of Community Services, made a presentation on proposed Resolution R01-119 to approve FY2002 County and State funding for local arts organizations. She listed the areas where funding would be utilized and cited some of the benefits and events sponsored. She then introduced Sheila Myers, a representative from the York County Arts Commission, who appeared to address questions the Board might have.

Mr. Zaremba stated one of the organizations requesting funding was a state organization that was fully funded, and the County had received a request to fund some of its activities.

Ms. Myers explained the nature of some of the organizations and their events scheduled for the year.

Discussion ensued regarding funding of organizations.

Mr. Zaremba then moved the adoption Resolution R01-119 that reads:

A RESOLUTION TO APPROVE FY2002 COUNTY AND STATE FUNDING FOR LOCAL ARTS ORGANIZATIONS

WHEREAS, the Board of Supervisors appropriated \$52,900 in support of local cultural arts organizations in the FY2002 budget and York has received notification of a \$5,000 grant award from the Virginia Commission for the Arts to supplement the County's appropriation for the arts; and

WHEREAS, the York County Arts Commission was appointed by the Board of Supervisors to review funding requests from cultural arts organizations and to make recommendations to the Board concerning the distribution of budget appropriations to the arts; and

WHEREAS, the Arts Commission has undertaken a careful and thorough review of all applications from arts groups, in some cases interviewing and otherwise observing and interacting with these organizations; and

WHEREAS, the Arts Commission has completed its review of the funding requests for FY2002 and has developed recommendations for funding allocations for each organization using the total available arts-related funds contained in the approved FY2002 York County Budget; and

WHEREAS, allocations from grant funding from the Virginia Commission for the Arts, will be made to the Fifes and Drums of York Town, the Yorktown Arts Foundation, and Celebrate Yorktown Committee upon receipt of those funds from the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of July, 2001, that the determination made by the York County Arts Commission be, and they hereby are, approved and that the following organizations receive funding in the following amounts under the York County Arts Commission Grant Program:

Art Song Of Williamsburg	\$ 500
Celebrate Yorktown Committee/Symphony	\$ 1,425

Celebrate Yorktown Committee/Concerts	\$ 1,500
Celebrate Yorktown Committee/Christmas	\$ 1,100
Colonial Service Board	\$ 875
Cultural Alliance	\$ 400
Fifes & Drums of York Town	\$ 8,200
First Night of Williamsburg	\$ 900
Institute For Dance	\$ 500
JCC/Williamsburg Parks & Recreation	\$ 800
Jamestown/Yorktown Foundation	\$ 5,000
Peninsula Community Theatre	\$ 800
Publick Times Chorus	\$ 1,800
Senior Center of York	\$ 200
Stagelights	\$ 500
Theatre IV	\$ 2,500
Twentieth Century Gallery	\$ 500
Virginia Choral Society	\$ 700
Virginia Opera	\$ 6,400
Virginia Symphony	\$ 3,000
Watermen's Museum	\$ 3,400
WHRO	\$ 1,000
Williamsburg Choral Guild	\$ 500
Williamsburg Symphonia	\$ 1,500
Williamsburg Youth Orchestra	\$ 1,500
Williamsburg Players	\$ 800
York County Beautification	\$ 1,100
York River Orchestra	\$ 900
Yorktown Arts Foundation	\$ 7,000
Young Audiences	\$ 2,600

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
 Nay: (0)

CLOSED MEETING. At 9:56 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
 Nay: (0)

Meeting Reconvened. At 10:05 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

July 17, 2001

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of July, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

APPOINTMENT TO THE YORK COUNTY BOARD OF BUILDING CODE APPEALS

Chairman Burgett moved the adoption of proposed Resolution R01-108(R) which reads:

A RESOLUTION TO APPOINT MEMBERS TO THE YORK COUNTY
BOARD OF BUILDING CODE APPEALS

WHEREAS, the current terms of Jacob M. Adkins, Robert T. Criner, and G. Allen Morledge to the Board of Building Code Appeals expired on June 30, 2001; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of July, 2001, that the following individuals be and they are hereby, appointed to the York County Board of Building Code Appeals for a term of three years, such term to begin July 1, 2001, and expire June 30, 2004:

Jacob M. Adkins (Professional Engineer)

Wayne D. Harbin (Licensed Builder)

Joseph L. Spruill (Licensed Architect)

On roll call, the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

APPOINTMENT TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

Chairman Burgett moved the adoption of proposed Resolution R01-134 that reads:

A RESOLUTION TO APPOINT A MEMBER OF THE YORK COUNTY
BOARD OF SUPERVISORS TO THE HAMPTON ROADS PLANNING
DISTRICT COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this the 17th day of July, 2001, that Sheila S. Noll be, and she is hereby, appointed as York County's elected official representative to the Hampton Roads Planning District Commission for a two-year term to expire June 30, 2003.

On roll call, the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

APPOINTMENT TO THE WILLIAMSBURG ARTS COMMISSION

Chairman Burgett moved the adoption of proposed Resolution R01-129 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE
TO THE WILLIAMSBURG ARTS COMMISSION

WHEREAS, Mrs. Gale Roberts has submitted her resignation as the York County representative to the Williamsburg Arts Commission; and

WHEREAS, Mrs. Roberts' term on the Commission does not expire until June 30, 2002;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of July, 2001, that the following individual be, and is hereby, appointed as the York County representative to the Williamsburg Arts Commission to complete the unexpired term of Mrs. Gale Roberts, such term to begin immediately and expire June 30, 2002:

Genevieve L. Chis

On roll call, the vote was:

Yea: (5) Noll, Wiggins, Wiggins, Burgett
Nay: (0)

Meeting Adjourned At 10:07 p.m. Chairman Burgett declared the meeting adjourned to 6:00 p.m., Tuesday, July 24, 2001, in the East Room, York Hall, for the purpose of conducting a work session.